

REMARKS

By this amendment, Claims 1 and 9 have been amended, and Claims 14 and 16 have been canceled. Claims 1-4, 7-10 and 15 remain pending in the application, with Claims 1, 7, 9 and 11 being independent claims. Claims 14-16 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 1-4, 9 and 10 are again rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masaki (U.S. Patent No. 6,616,328 B1) in view of Komoda (U.S. Patent No. 5,748,570). Claims 7 and 8 remain allowed. The cancellation of Claims 14 and 16 render these rejections moot with respect to these particular claims.

Applicant respectfully requests reconsideration and withdrawal of the finality of the rejection mailed on May 16, 2008 (the second Final Office Action) in accordance with the Manual of Patent Examining Procedure (MPEP) § 706.07(d) because, as described below, the finality of the second Final Office Action is premature.

The finality of the second Final Office action is improper and should be withdrawn because the second Final Office action contains new grounds of rejection based on the amendments included in the Submission filed on March 3, 2008. A first Office Action in a Request for Continued Examination (RCE) may not be made final when it contains a new grounds of rejection necessitated by the amendments. Therefore, the finality of the second Final Office action should be withdrawn because the Examiner has failed to satisfy the conditions set forth in MPEP § 706.07(b).

In addition, Applicant respectfully disagrees with Examiner regarding the rejection of Claims 14-16 under 35 U.S.C. § 112, first paragraph, because the present application plainly discloses, on page 3, lines 17-19, and on page 13, lines 10-13, that it is unnecessary to include a stem structure for adjusting time and it is possible to manipulate the time adjustment in a terminal having an analog watch in accordance with the present invention.

Furthermore, from page 2, line 21, through page 3, line 7, the Background section of the present application describes how analog watches typically need a stem structure for adjusting time, which is outwardly projected. The user adjusts the time of the analog watch by turning the stem. This stem is connected to a watch element for moving the hands of the watch, and the watch element unit is artificially rotated according to the rotation of the stem when adjusting time to thereby move the hands of the watch. When an analog watch is installed in a mobile communication terminal, since the terminals must have the protruded structure on one side, the outer appearance thereof is inelegant and the protruded stem portion is subject to impact. The user must also manually turn the stem when adjusting time.

The present invention overcomes these problems by providing an apparatus and method for adjusting time in a terminal with a built-in watch that has no protruded stem portion subject to impact and an outward appearance which is elegant.

Claims 14-16 fully comply with 35 U.S.C. § 112, in part, because they are not directed to new matter and are clearly described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 14 and 16 have been canceled their recitations have been incorporated into associated independent Claims 1 and 9, respectively, to recite, in part, apparatus for adjusting the time of an analog watch in a terminal having the analog watch, the apparatus comprising: (a) an analog watch unit comprising: an oscillation circuit for generating a standard signal with a predetermined frequency; a division circuit for dividing the standard signal by a predetermined division ratio according to a control signal and generating a divided signal; a driving circuit for generating a driving signal according to the divided signal; and a step motor driven by the driving signal, for moving the elements of the analog watch; and (b) a control unit for providing the control signal to the division circuit of the analog watch unit when a predetermined time

adjustment manipulation is inputted, and for checking an input state of the time adjustment manipulation and controlling an operational state of the driving circuit according to the checked input state, wherein time adjustment is achieved without use of a stem structure in the terminal, and the terminal performs mobile communication functions including voice communication.

The Examiner concedes that Masaki does not disclose using his device to perform mobile communication functions including voice communication. The Examiner states the use of a watch or time measuring device with a mobile communication function is conventional, as allegedly shown by Komoda. The Examiner that it would have been obvious to provide mobile communication functions including voice communication allegedly suggested by Komoda to the analog type watches disclosed by Masaki.

Masaki describes a high accuracy timepiece and shows, in FIGS. 3 and 4, a time adjustment manipulation operation of selecting a second rate fast/slow data input mode and a method of inputting the second rate fast/slow data. Regarding the time adjustment manipulation operation shown in FIGS. 3 and 4, Masaki expressly states that the operator pulls out the crown in step S301, pushes the crown in step S302, waits 4 to 6 seconds in step S303, and pulls out the crown in step S303. The Masaki crown corresponds to the stem structure described throughout the present application.

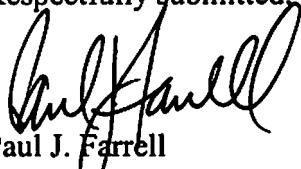
In other words, Masaki discloses the use of a stem structure in the Masaki high accuracy timepiece and nowhere suggests achieving time adjustment without use of a stem structure in accordance with the present invention. Komoda describes time correction of an electronic clock and would not lead one skilled in the art to remove the time adjustment manipulation crown shown in Masaki. Therefore, Komoda fails to supplement the deficiencies of Masaki.

Accordingly, amended independent Claims 1 and 9 are allowable over Masaki, Komoda, or any combination thereof.

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While not conceding the patentability of the dependent claims, *per se*, Claims 2-4 and 10 are also allowable for at least the above reasons.

Accordingly, all of the claims pending in the Application, namely, Claims 1-4, 7-10 and 15, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

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